(Chapter I—Preliminary)

MYSORE ACT No. XLIV OF 1943.

THE MYSORE PRISONS ACT, 1943.

(AS AMENDED BY ACT VI OF 1945)

(Received the assent of His Highness the Maharaja on the 28th day of July 1943.)

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in [1][the State of Mysore except Bellary District];

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title and extent.

1. (1) This Act may be called the Mysore Prisons Act, 1943.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

Repeal.

2. (1) On and after the twenty-eighth day of July 1943 the Prisons Act, XXVI of 1870, which was extended to Mysore by Notification of the Government of India, Foreign Department, Judicial No. 246 I. J., dated the 4th September 1879 shall be repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to the said Act shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders

1. See the Mysore Adaptation of Laws Order, 1953.

of the Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(*a*) any place for the confinement of prisoners who are exclusively in the custody of the police ;

(*b*) any place specially appointed by the Government under section 541 of the Code of Criminal Procedure, 1904 ;

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial ;

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1904 ;

(4) "civil prisoner" means any prisoner who is not a criminal prisoner ;

(5) "remission system" means the system under the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails ;

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder ;

(7) "Inspector-General" means the Inspector-General of Prisons : and

(8) "Prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

Maintenance and Officers of Prisons.

Accommodation for prisoners.

4. The Government shall provide, for the prisoners in Mysore, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

(*Chapter III—Duties of Officers*)

Inspector-General.

5. An Inspector-General shall be appointed for Mysore and shall exercise, subject to the orders of the Government, the general control and superintendence of all prisons situated in Mysore.

Officers of prisons.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the Government thinks necessary.

Temporary accommodation for prisoners.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

Duties of Officers.

Generally.

Control and duties of officers of prisons.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 62.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

(Chapter III—Duties of Officers)

Officers not to be interested in prison contracts.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest direct or indirect, in any contract for the supply of the prison ; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

Records to be kept by Superintendent.

12. The Superintendent shall keep, or cause to be kept, the following records :—

(1) a register of prisoners admitted ;

(2) a book showing when each prisoner is to be released ;

(3) a punishment book for the entry of the punishment inflicted on prisoners for prison-offences ;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison ;

(5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules under section 62.

Medical Officer.

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 61.

(*Chapter III—Duties of Officers*)

Medical Officer to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information and for such action as he deems fit.

Report on death of prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely :—

(1) the day on which the deceased first complained of illness or was observed to be ill,

(2) the labour, if any, on which he was engaged on that day,

(3) the scale of his diet on that day,

(4) the day on which he was admitted to hospital,

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer,

(8) when the prisoner died, and

(9) (in cases where a *post-mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required. A copy of the particulars shall be sent to the Inspector-General as soon as may be.

Jailer.

Jailer.

16. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner.

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Officer.

(*Chapter IV—Admission, Removal and Discharge*)

Responsibility of Jailer.

18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confined to his care, and for the money and other articles taken from prisoners.

Jailer to be present at night.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the act and the cause of it to the Superintendent.

Powers of Deputy and Assistant Jailers.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

Duties of gate-keeper.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

Subordinate officers not to be absent without leave.

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

Convict Officers.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

Prisoners to be examined on admission.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

Effects of prisoners.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

Removal and discharge of prisoners.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Separation of prisoners.

27. The requisitions of this Act with respect to the separation of prisoners are as follows :—

(1) in a prison containing female as well as male prisoners the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners ;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separat-

ing them altogether from other prisoners and for separating those of them who have arrived at the age of puberty from those who have not ;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners ; and

(4) civil prisoners shall be kept apart from criminal prisoners.

Association and segregation of prisoners.

2 . Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Solitary confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer.

Prisoners under sentence of death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

Maintenance of certain prisoners.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private source at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

(*Chapter VII—Employment of Prisoners*)

Restriction on transfer of food and clothing between certain prisoners.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

Employment of Prisoners.

Employment of civil prisoners.

34. (1) Civil prisoners may, with the permission of the Superintendent, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of criminal prisoners.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing, of the Superintendent, be kept to labour for more than eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed,

and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Employment of criminal prisoners sentenced to simple imprisonment.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

Health of Prisoners

Sick prisoners.

37. (1) The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoner to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

Record of directions of Medical Officer.

38. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of

each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

Hospital.

39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners.

Power of Superintendent to send a prisoner to hospital for special treatment.

40. The Superintendent may, if in his opinion a prisoner requires special treatment in a hospital outside the prison or in a Mental Hospital send him to such hospital without requiring him to be in or under the custody or control of any prison officer but, subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom shall be deemed to be part of the period of his detention in the prison.

CHAPTER IX.

Visits to Prisoners.

Visits to civil and unconvicted criminal prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial or prisoners intending to prefer an appeal or petition against their conviction, may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

42. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jalier has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Government may direct.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

43. Whoever, contrary to any rule under section 61, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Power to arrest for offence under section 48.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him and shall without unnecessary delay make him over to a Police Officer, and thereupon such Police Officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicious place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

PRISON-OFFENCES.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner :—

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 61 to be a prison-offence ;

(2) any assault or use of criminal force ;

(3) the use of insulting or threatening language ;

(4) immoral or indecent or disorderly behaviour ;

(5) wilfully disabling himself from labour ;

(6) contumaciously refusing to work ;

(7) filing, cutting, altering or removing hand-cuffs, fetters, or bars without due authority ;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;

(10) wilful damage to prison-property ;

(11) tampering with or defacing history-tickets, records or documents ;

(12) receiving, possessing or transferring any prohibited article ;

(13) feigning illness ;

(14) wilfully bringing a false accusation against any officer or prisoner ;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape and any attack or preparation for attack upon any prisoner or prison-official ; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment of such offences.

47. The Superintendent may examine any person touching any such offence, and determine thereupon and punish such offence by—

(1) a formal warning ;

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the

Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by the Government;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Government;

(5) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding two months;

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(8) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(9) cellular confinement for any period not exceeding ten days:

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again punished by cellular confinement:

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a

prisoner from communication with, but not from sight of, other prisoners;

(10) penal diet as defined in clause (9) combined with cellular confinement:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters.

Plurality of punishments under Section 47.

48. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely,—

(i) formal warning shall not be combined with any other punishment;

(ii) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement;

(iii) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(iv) no punishment shall be combined with any other punishment in contravention of rules made by the Government.

(2) No punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of punishments under sections 47 and 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no

punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of change of labour under section 47, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if, he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion, in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment book.

52. (1) In the punishment-book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, as also the substance of the evidence of the witnesses proving the offence or appearing for the defence, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committal of heinous offence.

53. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise in the opinion of the Superintendent, is not adequately punishable by the

infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which, such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 47 :

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class : and

Provided also that no person shall be punished twice for the same offence.

Offences by prison subordinates.

54. (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice, in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

Temporary Release of Prisoners.

55. (1) The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules

made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section (1) unless—

(*a*) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less ;

(*b*) his conduct in prison has been good ;

(*c*) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

56. (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 55, he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

57. Any prisoner who does not surrender himself as required by sub-section (1) of section 56 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

[1] CHAPTER XII—A.

PRISONERS OF THE CIVIL AND MILITARY STATION, BANGALORE OR SENTENCED BY COURTS OF JUSTICES OF THE PEACE.

57-A. (1) The Government may, in respect of the following persons, namely, persons—

(*a*) (i) sentenced by a Court in the Civil and Military Station, Bangalore, to imprisonment; or

(ii) ordered by any such Court to be—

(*a*) imprisoned for default of giving security for keeping the peace or for maintaining good behaviour, or

(*b*) detained, or

(*c*) committed to Jail; or

(*b*) ordered by the Hon'ble the Resident in Mysore or any other competent authority in the Civil and Military Station, under any law for the time being in force, to be—

(i) detained, or

(ii) committed to Jail; or

(*c*) sentenced or ordered by a Court of Justice of the Peace appointed by His Excellency the Crown Representative to exercise jurisdiction in Mysore to imprisonment or detention or to be committed to Jail, by general or special order, make provisions for the execution of such sentence or order, as the case may be, in any prison in Mysore.

(2) Nothing in this section shall be deemed to apply to any sentence or order passed under the Army Act (XXXXIV and XXXXV vi C., C. 58), the Indian Army Act, 1911 (VIII of 1911) or the Indian Air Force Act, 1932 (XIV of 1932), for the time being in force.

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1. Chapter XII-A inserted by Act VI of 1945.

CHAPTER XIII.

MISCELLANEOUS.

Extramural custody, control and employment of prisoners.

58. A prisoner, when being taken to or from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to the same incidents as if he were actually in prison.

Confinement in irons.

59. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Government, so confine them.

Prisoners not to be ironed by Jailer except under necessity.

60. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

61. The Government may make rules consistent with this Act—

(1) defining the act which shall constitute prison offences ;

(2) determining the classification of prison-offences into serious and minor offences ;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof ;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code as in force in Mysore may or may not be dealt with as a prison-offence ;

(5) for the award of marks and the shortening of sentences ;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape ;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released ;

(8) for the classification of prisons and description and construction of wards, cells and other places of detention ;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons ;

(10) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act ;

(11) as to the food, clothing and bedding of criminal prisoners and of civil prisoners maintained otherwise than at their own cost ;

(12) for the employment, instruction and control of convicts within or without prisons ;

(13) for defining articles, the introduction or removal of which into or out of prisons without due authority is prohibited ;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour ;

(15) for regulating the disposal of the proceeds of the employment of prisoners ;

(16) for the classification and the separation of prisoners ;

(17) for regulating the confinement of convicted criminal prisoners under section 28 ;

(18) for the preparation and maintenance of history-tickets ;

(19) for the selection and appointment of prisoners as officers of prisons ;

(20) for rewards for good conduct ;

(21) for regulating the transfer of prisoners whose term of imprisonment is about to expire ;

(22) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons ;

(23) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends ;

(24) for the appointment and guidance of visitors of prisons ;

(25) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1904, and to the officers employed, and the prisoners confined, therein ;

(26) in regard to the admission, custody, employment, dieting, treatment, and release of prisoners, and for other purposes consistent with this Act ; and

(27) generally, for carrying into effect the purposes of this Act.

Exhibition of copies of rules.

62. Copies of Rules under section 61, so far as they affect the government of prisons shall be exhibited, both in English and in the Vernacular in some place to which all persons employed within a prison have access.

Exercise of powers of Superintendent and Medical Officer.

63. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may, in his absence, be exercised and performed by such other officer as the Government may appoint in this behalf either by name or by his official designation.